

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DONALD MACK DOVE,

Plaintiff,

- vs -

9:10-CV-02

BROOME COUNTY CORRECTIONAL FACILITY;  
K. MOORE, Captain; TIMOTHY HILL, Lt.; DANIEL  
SNYDER, Correction Officer; and C. MOGENSON,

Defendants.  
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APPEARANCES:

OF COUNSEL:

DONALD MACK DOVE  
10-B-0378  
Attica Correctional Facility  
Box 149  
Attica, NY 14011

BROOME COUNTY ATTORNEY'S OFFICE  
Attorneys for Defendants Broome County CF,  
Moore, Hill, and Snyder  
Edwin L. Crawford County Office Building  
PO Box 1766  
Binghamton, NY 13902-1766

AARON J. MARCUS, ESQ.

LYNCH, SCHWAB, PLLC  
Attorneys for Defendant Mogenson  
75 South Broadway, 4<sup>th</sup> Floor  
White Plains, NY 10601

LOUIS U. GASPARINI, ESQ.

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Donald Mack Dove, commenced this civil rights action in January 2010, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated February 17, 2011, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendant



Mogenson's motion to dismiss plaintiff's complaint (Dkt. No. 16) be granted; that the remaining defendants' motion for summary judgment dismissing plaintiff's complaint (Dkt. No. 28) also be granted; and that plaintiff's complaint be dismissed in its entirety, without leave to replead. The plaintiff has filed objections to the report-recommendation.

Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which plaintiff has objected, and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendant C. Mogenson's motion to dismiss plaintiff's complaint (Dkt. No. 16) is GRANTED;

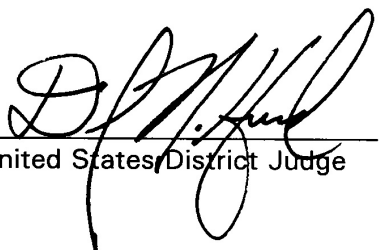
2. The remaining defendants' motion for summary judgment dismissing plaintiff's complaint (Dkt. No. 28) is GRANTED; and

3. Plaintiff's complaint is DISMISSED in its entirety, without leave to replead.

4. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: March 10, 2011  
Utica, New York.

  
United States District Judge